

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 07-297
FM Table of Allotments,	)	RM-11413
FM Broadcast Stations.	)	RM-11424
(Pima and Pinetop, Arizona)	)	
	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: December 15, 2008**

**Released: December 17, 2008**

By the Assistant Chief, Audio Division, Media Bureau:

1. Circle S Broadcasting Co., Inc. ("Circle S") filed a Petition for Rule Making proposing the substitution of Channel \*289A for Channel \*296A at Pima, Arizona, and the substitution of Channel 249C1 for Channel 294C1 at Pinetop, Arizona. The staff set forth that proposal in its *Notice of Proposed Rule Making* ("Notice").<sup>1</sup> Circle S's Petition for Rule Making was part of Circle S's contingent "hybrid" application<sup>2</sup> to change the facilities of Station KSWG(FM), Wickenburg, Arizona, and to make accommodating channel changes for that application and for the contingent application of Station KKLD(FM),<sup>3</sup> Cottonwood, Arizona. On December 10, 2008, the Audio Division dismissed the foregoing applications for changes in Stations KSWG(FM) and KKLD(FM).<sup>4</sup> Accordingly, we are required to dismiss the rulemaking components of this contingent hybrid proposal.<sup>5</sup> For this reason, we are terminating this proceeding.<sup>6</sup>

2. Accordingly, IT IS ORDERED, That this rulemaking proceeding IS TERMINATED.

<sup>1</sup> See *Pima and Pinetop, Arizona*, Notice of Proposed Rule Making, 23 FCC Rcd 232 (MB 2008).

<sup>2</sup> File No. BMPH-20070119AID.

<sup>3</sup> File No. BPH-20070119AIF.

<sup>4</sup> See *Letter to Circle S. Broadcasting Co., Inc., et al., from Rudolfo F. Bonacci, Assistant Chief, Audio Division, Media Bureau*, (December 10, 2008).

<sup>5</sup> See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212, 14223 (2006) (para. 17).

<sup>6</sup> William S. Konopnicki filed a Counterproposal proposing the allotment of Channel 249C1 to McNary, Arizona. In this instance, the *Notice* was not published in the Federal Register, as required by 5 U.S.C. § 553(b), and incorrectly stated that the Channel 294C1 allotment at Pinetop was vacant when, in fact, there was an outstanding construction permit for this allotment. We cannot consider the Konopnicki Counterproposal on the basis of a defective *Notice*. Instead, we will initiate a new proceeding proposing the allotment of Channel 249C1 to McNary, Arizona, as requested by Mr. Konopnicki.

3. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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